THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.3992 of 2006

DATED:02.03.2006

Between:

The Executive Engineer ..Petitioner

And

The Authority under Minimum Wages Act and the Assistant Commissioner of Labour, Post Sanga Reddy, Medak District and others.

..Respondents.

ORDER:

This writ petition is filed by the petitioner-Executive Engineer of the Rural Water Supply Division, seeking a writ of Prohibition to restrain the 1st respondent-Authority from entertaining and hearing the claim petition, in M.W.No.1 of 2005, filed by workmen-respondents 2 to 9.

The only ground on which the petitioner seeks to restrain the 1st respondent by way of writ of prohibition is that the nature of job done by respondents 2 to 9 is not one of the scheduled employments as notified under the Minimum Wages Act (for short "the Act"). Further, it is submitted that there is a delay on the part of the 1st respondent in deciding the claim petition, in spite of the petitioner representing number of times.

Whether workmen's employment, is notified as scheduled employment for the purpose of claiming minimum wages under the Act, is a matter, which has to be gone into basing on the evidence recorded by the competent authority. On the mere

allegation of the petitioner that respondents 2 to 9 are not the workmen in scheduled employment, it cannot be said that the

1st respondent is not having jurisdiction to entertain the claim at all. Even the other allegation that the claim petition is pending with the 1st respondent for a long time and he has not taken any decision in the matter, cannot be a ground to restrain the

1st respondent by issuing a writ of prohibition.

In that view of the matter, I do not find any valid ground to entertain this writ petition.

The writ petition is accordingly dismissed. But however, the 1st respondent is directed to decide the claim petition filed by respondents 2 to 9, in M.W.No.1 of 2005, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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R.SUBHASH REDDY, J

Dated:02.03.2006

GJ